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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,445	01/14/2000	Dianna L Cleveland	DCLEVE.001A	8402

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/483,445	CLEVELAND, DIANNA L
	Examiner	Art Unit
	Motilewa A. Good-Johnson	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 3, 4, 7- 9, 11, 14-16, 18-20, 24-32, 34, 35, 37-40, 42, 43 is/are rejected.
- 7) Claim(s) 2,5,6,10,12,13,17,21-23,33,36,41 and 44 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: application, filed on 01/14/2000; Preliminary Amendment A, filed on 01/14/2000; IDS, paper #5, filed on 02/15/2000; IDS, paper #12, filed on 03/26/2002.

This action is made final.

2. Claims 1-44 are pending in this application. Claims 1, 16, 30 and 39 are independent claims. No claims have yet been amended.

3. The present title of the application is "Method and Apparatus for Preparing Customized Reading Material" (as originally filed).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-4, 7, 9, 11, 15-16, 19-20, 24, 28,-32, 34-35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panec, U.S. Patent Number 5,947,693.

As per independent claim 1, Panec discloses text for the dialogue of a character presented in a first indicia throughout the presentation (FIG 1; col. 5, ll. 15 et seq.), and text for the dialogue of a character presented in a different indicia throughout the

presentation (FIG. 1; col. 5, ll. 15 et seq.), but fails to disclose text indicia differing for different characters. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to vary the text indicia as the characters vary because Panec discloses alternating readers for the multiple characters throughout the story (col. 3, ll. 38 et seq.; FIGS 2-4).

As per dependent claims 3 and 18, Panec discloses the first and second indicia comprise different colors (col. 5, ll. 15 et seq.).

As per dependent claim 4, Panec discloses the indicia comprises one of a font size or style (col. 5, ll. 15 et seq.).

As per dependent claim 7, Panec discloses the text material is presented on paper (col. 4, ll. 26 et seq.; FIG 1).

As per dependent claim 9, Panec discloses selecting indicia to enhance the ease of reading (col. 5, ll. 15 et seq.).

As per dependent claim 11, Panec discloses the text is presented on a page having symbols representing the reading level associated with one of the indicia and characters on the page (col. 5, ll. 36 et seq.).

As per independent claim 16, Panec discloses text for a first character in a first reading level (FIG 1 '18a') and presented in a first indicia for the portion of text for that character (FIG 1 '22'; col. 5, ll. 15 et seq.) and text for a second character presented in a second reading level (FIG. 3) and second (col. 5, ll. 15 et seq.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the

disclosure of Panec because he discloses alternating both the reading level and indicia of text displayed for each character.

As per dependent claim 20, Panec discloses writing text at a plurality of different reading levels, with the presented text being selected from one of the plurality of written text (col. 4, ll. 26 et seq.).

As per dependent claim 24, Panec discloses presenting reading material on a page (FIG 2), and placing indicia on a page that identifies the reading level associated with the text on the page (FIG 2 '22'; col. 5, ll. 36 et seq.).

As per dependent claim 28, Panec discloses reading material produced according to the method of claim 16 (col. 4, ll. 26 et seq.).

As per dependent claim 29, Panec discloses reading material produced according to the method of claim 18 (col. 4, ll. 26 et seq.).

As per independent claim 30, Panec discloses selecting a reading level for particular readers of a plurality of characters (col. 3, ll. 11 et seq.; FIGS 1 &3) and present the dialogue for each character in unique indicia throughout the dialogue (col. 5, ll. 15 et seq.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the disclosure of Panec because he teaches providing multiple reading levels and indicia for text for a single character.

As per dependent claim 31, Panec discloses the dialogue of one character is in a larger font than the text for other characters (col. 5, ll. 15 et seq.; FIGS 2 '18b' & 3).

As per dependent claim 32, Panec discloses the dialogue of one character is presented in a different font (col. 5, ll. 15 et seq.).

As per dependent claim 34, Panec discloses a different color is used as indicia to distinguish the dialogue of characters (col. 5, ll. 15 et seq.).

As per dependent claim 35, Panec discloses the dialogue of one character is presented in a different color to distinguish it from other characters (col. 5, ll. 15 et seq.).

As per dependent claims 15, 19 and 38, Panec discloses dialogue for a plurality of characters being selected from a plurality of dialogues at different reading levels, with the reading level selected according to the reader's ability (col. 4, ll. 26 et seq.).

6. Claims 8, 14, 25-27, 37, 39, 40, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panec and further in view of Huffman et al., U.S. Patent Number 5,6611,635, 345/901.

As per dependent claims 8 and 25, Panec fails to disclose text material presented on computer controlled electronic display, which is what Huffman discloses (FIGS 2 & 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Huffman with Panec to provide text on an electronic display because Huffman teaches storing and inputting text data into a processor for selective manipulation and display (col. 5, ll. 20 et seq.).

As per dependent claims 14, 26, 27 and 37, Panec fails to disclose cues adjacent a plurality of dialogue to provide on e of voice inflection, character demeanor and character action, which is disclosed by Huffman (col. 7-8, ll. 61-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Huffman with that of Panec because Huffman discloses inputting book

data into a processor and providing an interface to manipulate and control the display of the book data (FIGS 2 & 3).

As per independent claim 39, Panec discloses inputting data related to reading levels of a plurality of readers (col. 3, ll. 11 et seq.; FIGS 1 & 3), selecting text for a first character appropriate for the reading level of the first reader assigned to the first character, selecting text for a second character appropriate for the reading level for the second reader assigned to the second character, presenting the selected text in unique indicia for the assigned readers for a portion of the dialogue (col. 5, ll. 15 et seq.). Panec fails to disclose a processor to receive input data and selecting the respective text, which is disclosed by Huffman (col. 5, ll. 22 et seq.; col. 13, ll. 55-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Panec with that of Huffman because Huffman teaches inputting text and graphical data into an electronic book having an interface for allowing user manipulation of displayed book data.

As per dependent claim 40, Panec discloses accessing the same dialogue written in different reading levels (col. 4, ll. 26 et seq.), but fails to disclose using a processor to access data. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Panec with Huffman who discloses a processor for accessing book data (col. 7, ll. 23 et seq.) because Huffman teaches providing a customized dictionary to emphasize text (col. 5, ll. 50 et seq.; col. 7, ll. 61 et seq.).

As per dependent claim 42, Panec discloses applying indicia to text for one of the characters to distinguish the text from text assigned to other characters (col. 5, ll. 15 et seq.; FIGS 1 & 3) and Huffman discloses applying indicia to text ((col. 11, ll. 9 et seq.), but fails to disclose distinguishing text indicia of differing characters. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Huffman with Panec because Huffman discloses two independently operable touch screens that can each display a book and change the font of the differing material (col. 5, ll. 33 et seq.).

As per dependent claim 43, Panec discloses the indicia is color (col. 5, ll. 19-24) as does Huffman (col. 13, ll. 55 et seq.).

Response to Arguments

7. Applicant's arguments filed 03/26/2002 have been fully considered but they are not persuasive.

Applicant argues that Panec fails to disclose dialogue for a plurality of characters presented in a first indicia and a second character in a second indicia throughout the presentation. Panec discloses in col. 4, ll. 1-25, a skilled reader section introducing and describing a Frog and the novice reader section describing a Princess' dislike of the Frog. It would have been obvious that in said story the Frog's dialogue could be presented in a first indicia and the Princess' dialogue presented in a second dialogue. Furthermore, it is inherent that different books, such as plays, they will have different dialogue being presented, and that in each dialogue the text may differ based on the character and not just the text being read. It also would have been obvious to modify

Panec to present dialogue for a plurality of characters in a first and second indicia throughout the presentation to allow a novice reader to read and portray a novice character and a skilled reader to portray a more advanced character.

Allowable Subject Matter

8. Claims 2, 5, 6, 10, 12, 13, 17, 21-23, 33, 36, 41 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj
May 31, 2002



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